

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) CASE NO. 2:22-cr-00295-MHT
)
) (WO)
CALVIN K. CHERRY)

FINAL ORDER OF FORFEITURE

Before the court is the government's motion for a final order of forfeiture filed on February 21, 2023.

On December 16, 2022, this court entered a preliminary order of forfeiture (Doc. 26) ordering the defendant to forfeit his interest in a Taurus, model Spectrum, .380 caliber pistol, bearing serial number 1F112630; a Taurus, model 605, .357 caliber pistol, bearing serial number LO57191; a Taurus, model PT140 Millennium, .40 caliber pistol, bearing serial number NCV01027; a Smith & Wesson, model 10-7, .38 caliber pistol, bearing serial number 15D7877; and miscellaneous ammunition.

Publication of notice was not required pursuant to Rule G(4)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions as the property is worth less than \$1,000, and the only potential claimants are the defendant, Jimmy Carl Johnson, Koti Amaad Dunn, Precious Unique Billings, and Larry Whit Lassiter.

The government gave the defendant notice in the indictment (Doc. 1) that it would seek the forfeiture of any firearms and ammunition involved in the commission of the offenses in violation of 18 U.S.C. § 922(g)(1) or 924(c)(1)(A)(i); any and all property constituting or derived from proceeds defendant obtained directly or indirectly as a result of violations of 21 U.S.C. § 841(a)(1); and any and all property used or intended to be used in any manner or part to commit and to

facilitate the commission of the offenses in violation of 21 U.S.C. § 841(a)(1). On December 29, 2022, notice of this forfeiture (Docs. 28, 29, 30, 31) was served on Jimmy Carl Johnson, Koti Amaad Dunn, Precious Unique Billings, and Larry Whit Lassiter. No petitions of interest were filed within the required 35-day period. Therefore, any third-party interests are barred for failure to file a timely petition.

The court finds the defendant has an interest in the property that is subject to forfeiture pursuant to 18 U.S.C. §§ 924(d)(1) and 981(a)(1)(C), 21 U.S.C. § 853(a), and 28 U.S.C. § 2461, and that the government has established the requisite nexus between the property and such offenses in violation of 18 U.S.C. § 922(g)(1) and 924(c)(1)(A)(i) and 21 U.S.C. § 841(a)(1).

Accordingly, it is hereby ORDERED that the government's motion for a final order of forfeiture (Doc. 48) is granted as follows:

1. The following property is hereby forfeited to the United States pursuant to 18 U.S.C. §§ 924(d)(1) and 981(a)(1)(C), 21 U.S.C. § 853(a), and 28 U.S.C. § 2461: **a Taurus, model Spectrum, .380 caliber pistol, bearing serial number 1F112630; a Taurus, model 605, .357 caliber pistol, bearing serial number LO57191; a Taurus, model PT140 Millennium, .40 caliber pistol, bearing serial number NCV01027; a Smith & Wesson, model 10-7, .38 caliber pistol, bearing serial number 15D7877; and ammunition.**

2. All right, title, and interest to the property described above is hereby condemned, forfeited, and vested in the United States and shall be disposed of according to law.

3. The United States District Court shall retain jurisdiction in this case for the purpose of enforcing this order.

4. The clerk of the court shall forward a certified copy of this order to the United

States Attorney's Office.

DONE, this the 28th day of February, 2023.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE